

REMARKS

Claims 36-68 are pending in this Application. In this Office Action the Examiner requires Applicant to elect a single species to which the claims shall be restricted under PCT Rules 13.1 and 13.2.

Particularly, the Examiner identifies:

Species 1: Figures 1a-1c;
Species 2: Figures 2a-2b;
Species 3: Figures 3a-3b and 13;
Species 4: Figures 4a-4c;
Species 5: Figure 5;
Species 6: Figure 6;
Species 7: Figures 7a-7b;
Species 8: Figure 8;
Species 9: Figures 9a-9c;
Species 10: Figure 10;
Species 11: Figure 10b;
Species 12: Figure 10c; and
Species 13: Figures 11a-11b.

In reply to the restriction requirement, Applicants herein elect Species 2, Figures 2a-2b to be examined. Applicant respectfully identifies claims 36, 46-51, and 67, which were indicated by the Examiner to be drawn to Species 2 (please see page 3 of the Office Action), and claims 52 and 64, which were not indicated by the Examiner to be drawn to any other Species (again, please see page 3 of the Office Action) to encompass the elected Species. For the following reasons, Applicant respectfully makes this election *with traverse*.

First, with regards to the Examiner's allegation that claim 7 is drawn to Species 7 (again, page 3 of the Office Action), Applicant respectfully notes that there is no claim 7 currently pending in the Application.

Next, Applicant respectfully notes that a restriction requirement under PCT Rules 13.1 and 13.2 is only proper if the claims drawn to the various Species lack one or more of the same or corresponding special technical features, where expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. For at least the below reasons, Applicant respectfully asserts that all of claims 36-68 include at least one special technical feature as defined.

Applicant's claim 36 recites, *inter alia*,

"a movement area of a pin cooperating with each other to provide for at least the following principles of usage:

maintenance of said outer and inner tubular means in relation to each other in said first defined position where said inner passage is closed,

maintenance of said outer and inner tubular means in relation to each other in said second defined position where said inner passage is open."

Applicant respectfully notes that the above recited element of claim 36 was essentially chosen for a limitation of the main claim in the PCT preliminary examination report IPER, and was accepted as novel and inventive in the IPER. In light of this indicated novelty, it is respectfully asserted that the above recited element of claim 36 is a special technical feature in that it defines a contribution over the prior art. Accordingly, since claims 37-66 *depend* from claim 36, these claims 37-66 clearly require this special technical feature of claim of claim 36. As such, due at least to inclusion of the above quoted special technical feature in all of claims 36-66, Applicant respectfully asserts that all of claims 36-66 include a same or corresponding special technical feature as defined under PCT Rules 13.1 and 13.2.

Applicant respectfully notes that the above is especially apparent with regards to claims 53-54, which are alleged by the Examiner to be drawn to Species 8/11/12, in that these claims 53 and 54 (like claims 36, 47-52, 64 and 67) essentially involve holding the closing mechanism is a

certain position.

With reference to claim 67 and 68, Applicant respectfully notes that claim 67 substantially comprises a method claim written in accordance with apparatus claim 36. This method claim 67 recites, *inter alia*,

“moving a stick including closing means of the pouring spout between at least the following positions:

a first defined position closing a liquid passage of the spout by said closing means being forced against an opening of the liquid passage,

a second defined position in which the liquid passage of the spout is open by said closing means being held at a distance from said opening of the passage.”

Applicant respectfully notes that this element of claim 67 (and claim 68 by dependency therefrom) corresponds to the above recited special technical feature of claim 36.

For at least the above reasons, Applicant respectfully submits that restriction under PCT Rules 13.1 and 13.2 is improper.

Should the above traversal be unsuccessful, Applicants respectfully reserve the right to pursue the withdrawn claims in a related application(s) without prejudice.

Conclusion

Prosecution on the merits is respectfully requested. The foregoing is believed to be fully responsive to the outstanding Office Action.

The Examiner is invited to contact Applicant's attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for any extension of time necessary under 37 C.F.R. §§1.136(a) or 1.136(b).

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

CANTOR COLBURN LLP

By: /Daniel R. Gibson/
Daniel R. Gibson
Registration No. 56,539
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103
Telephone: 860-286-2929
Facsimile: 860-286-0115
Customer No. 23413

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